

**REMARKS**

Applicant respectfully requests reconsideration. Claims 1 and 3-12 were previously pending in this application. No amendments have been made to the claims. As a result, claims 1 and 3-12 are still pending for examination with claims 1, 3, 5, 7 and 10 being independent claims. No new matter has been added.

**Double Patenting Rejection**

The Office Action rejects claims 1 and 3-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 6, 11 and 12 of Fournel, U.S. Patent No. 6,144,078 (Fournel).

Applicant does not agree that the claims of the present application raise a double patenting issue with the claims of U.S. Patent No. 6,144,078. However, in accordance with the MPEP §718, Applicants respectfully submit a terminal disclaimer. Accordingly, withdrawal of the rejection of claims 1 and 3-12 is respectfully requested.

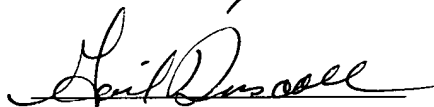
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 7, 2005.



Attorney Docket No.: S1022.80175US00  
**X12/29/05**

Respectfully submitted,

*Richard Pierre Fournel, Applicant*

By. 

James H. Morris  
Reg. No.: 34,681  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel. (617) 646-8000